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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,689

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Rene' Amherd

RTC-17657

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EXAMINER

BONK, TERESA

ART UNIT

PAPER NUMBER

3725

MAIL DATE

DELIVERY MODE

11/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,689	Applicant(s) AMHERD, RENE'	
	Examiner TERESA BONK	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Copy of Foreign Patent JP61118574</u> |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rollers without through-bores must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Amherd (EP 1103349). Amherd discloses a roller holder unit as claimed including rollers (16) which are rotatably held in block (15) having sides (read onto retaining plates, see figure 1) and a sliding surface (lacking any clear distinguishing features read onto surface of central portion of member 15) whose shape corresponds to the roller surface and its diameter (in that the roller is supported thereon as shown in figure 1). Limitations of claim 4 are disclosed as piston rod (13). Lacking any clear distinguishing features, the groove of claim 5 is read onto the groove formed between the side wall and middle base portion as shown in figure 1. Limitations of claims 9-10 are shown in figures 1-2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amherd (EP 1103349). Amherd does not explicitly disclose that his rollers (16) are supported on block (15) through the use of pins, however it would have been obvious to one having ordinary skill in the art, at the time of the claimed invention, to have used pins to rotatably secure the rollers of Amherd to the side walls of block (15) since the examiner takes official notice that such construction is well known in the art as a simple and cost effective securing means.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amherd (EP 1103349) in view of Eckert '360. Eckert is relied upon to teach that manufacturing a tool where rollers are used to open jaws such that the rollers or their contact surfaces are coated with a material to lower friction is known in the art (paragraphs 0053-0055) in order to extend service life and for ease of operation. Therefore it would have been obvious to coat the rollers or sliding surfaces of Amherd with a low friction material in order to extend service life and for ease of operation.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amherd in view of Dole (US Patent 7,143,626). Amherd discloses the invention substantially as claimed except for wherein the rollers include a surface of steel. Dole teaches a pressing tool wherein the rollers are made of steel (Column 2, lines 63-64). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a steels surface for Amherd's rollers surface since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amherd in view of Rothfuss et al. (US Patent 3,851,285). Amherd discloses the invention substantially as claimed

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except for wherein the sliding bearing surface includes a surface of Teflon. Rothfuss et al. teaches a tool wherein the sliding bearing surface includes a surface of Teflon (Column 3, lines 3-7). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a Teflon surface in Amherd's sliding bearing surface since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amherd in view of Kamishiro et al. (JP 61118574A). Amherd discloses the invention substantially as claimed except for wherein the bearing block is formed from a ceramic material. Kamishiro et al. teaches a bearing block formed from a ceramic material (Abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Amherd's bearing block to be formed from a ceramic material because it provides "excellent wear resistance" (Abstract).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amherd. Amherd discloses the invention substantially as claimed except for wherein the rollers are without through-bores. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Amherd's rollers without through-bores since the examiner takes Office Notice, that such a modification would only require applying a known technique to a known device ready for improvement which yields predictable results.

Response to Arguments

Applicant's arguments filed August 8, 2008 have been fully considered but they are not persuasive.

With regards to Applicant's arguments that "Amherd fails to disclose any structure or technique for transferring forces without use of this conventional roller frame assembly," the Examiner maintains that the claimed invention is met by Amherd and Applicant is not on point regarding "transferring forces" since this language is not present in the claims.

With regards to Applicant's arguments that Amherd lacks the claim limitation "in its shape corresponds to the roll surface and thus to the outer diameter of the roller," the Examiner maintains that Amherd shows this claim limitation in Figure 1 with roller 16.

With regards to Applicant's arguments that Amherd lacks the claim limitation "the sliding bearing surfaces are mirror-symmetric...deepest location with respect to the bearing block is located between the periphery of the bearing block and its center," the Examiner maintains that Amherd shows this claim limitation in Figure 1 with roller 16.

With regards to claims 9 and 10, element 15 encompasses the bearing block, retaining plates, and the sliding bearing surface and they "are of one piece."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TERESA BONK whose telephone number is 571-272-1901. The examiner can normally be reached on Monday- Friday 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on 571-272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dana Ross/
Supervisory Patent Examiner, Art Unit 3725

Teresa M. Bonk
Examiner
Art Unit 3725